

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**SUPPLEMENTAL SHEET FOR MEETING OF MARCH 19-20, 2009**

Prepared on March 18, 2009

**ITEM NO: 17**

**SUBJECT: TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN  
CORRALITOS AND SALSIPUEDES CREEKS**

**KEY INFORMATION**

Staff is proposing the following changes based on conversations internally and with stakeholders. The following proposed changes are largely for the sake of clarity.

Please note in the following proposed changes that staff has used strikeout where language will be deleted, and underlined where language will be added.

1. Staff received public comment from Robert Ketley via email on March 9, 2009, after the public comment period, and had a subsequent telephone conversation with Mr. Ketley. Mr. Ketley stated that there is wildlife in both agricultural and urban land uses, and that wildlife in these land uses may be controllable and/or may be a part of natural background conditions. Mr. Ketley also stated that once responsible parties address all controllable sources on urban land, that if fecal coliform levels continue to exceed water quality objectives, Water Board staff should account for the possibility that the remaining levels (if exceeding water quality objectives) may be due to uncontrollable wildlife sources. Mr. Ketley requested the following changes.

In Attachment 6 of the Staff Report, at public comment number 10, staff is recommending the following changes:

*10. The City disagrees with the clumping of "controllable wildlife waste and transport mechanisms" with the City's storm drain (MS4) discharges in Table 4-1. The City understands the Board's intentions to educate the MS4 stakeholders regarding proper waste management (i.e. prohibit littering, control dumpster leachate, cleanup pet waste) in order to reduce pests (e.g. rats). However, no evidence was presented to support the claim that deer, raccoon, skunk, opossum, or bird are controllable sources associated with the City's storm drains. This inference ignores the obvious wildlife habitats associated with this watershed, especially in any undeveloped, low density, or boundary properties within the City limits.*

**Staff Response:**

Staff discussed the differences between controllable and uncontrollable wildlife in Section 4.1.9 Natural Sources. Although staff has not seen opossums, skunks or raccoons within areas that drain to MS4s in this watershed, staff has seen these animals

in other municipalities and concluded that based on staff's best professional judgment, those animals are also within the City of Watsonville. Furthermore, staff has observed birds in the City and staff knows from experience that birds and these other animals are attracted by human activities. Staff determined that if an animal is attracted to an urban area by anthropogenic activity then the animal can be discouraged, to some degree, by modifying that anthropogenic activity. Hence, some proportion of loading from these sources is ~~likely~~ may be controllable.

Staff also acknowledged in the project report that there is wildlife habitat in which the fecal coliform loading is attenuated by the natural conditions of that area including plant filtration and pervious surfaces. The Basin Plan water quality objective for fecal coliform accounts for background or natural sources. Please also see staff's response to comment number 36.

2. Staff received public comment from Robert Ketley via email on March 9, 2009, after the public comment period, and had a subsequent telephone conversation with Mr. Ketley. Mr. Ketley requested that staff's response to a public comment regarding potential strategies to reduce loading from homeless encampments be revised. Mr. Ketley recommended staff delete portions of staff's original response because the strategies would be ineffective and potentially politically controversial. Staff agreed with Mr. Ketley's suggestion, noting that the strategies posed by staff were not intended to be mandates, but only considerations for addressing the problem. Mr. Ketley understood staff's intent, and requested the following changes.

In Attachment 6 of the Staff Report, at public comment number 23, staff is recommending the following change:

*23. p62, Sec. 10.2.2. "The Central Coast Water Board will regulate discharges from homeless persons/encampments by requiring compliance with the Human Waste Discharge Prohibition." The river levee is used by homeless and transient populations. Encampments and nearby outfalls are typically associated with litter and fecal matter. Each year, the City evicts camp residents and removes all materials. Within days the camps re-establish or simply relocate to another section of the river. National and international policies as well as the large seasonal workforce required by agricultural operations in Monterey and Santa Cruz Counties make the city's efforts to manage this problem of very limited value.*

**Staff Response:**

Comment noted. Staff realized that attenuating fecal matter generated by homeless persons is a unique challenge. However, it is up to property owners to be responsible for the activities on their property. Also, compliance with the Human Fecal Material Discharge Prohibition does not necessarily mean moving the homeless off of one's property. Implementation can include a plan for demonstrating how surface water loading from this source is being eliminated. For example, the Water Board may require evidence of reducing or eliminating areas for homeless persons to gather, and or camp by making them less attractive, ~~e.g., installing deterrent native vegetation such as brambles. Property owners may need to provide the Water Board with dated photos of~~

~~the actions taken to reduce homeless camps and use, and photo documentation of the reduction of homeless persons in the area. If an area's attractiveness cannot feasibly be reduced or eliminated, property owner may have to demonstrate how they attenuated fecal material from areas that can discharge to surface waters. For example, they may have erected porta potties and surrounded them by a berm, away from the Creek. They may also need to show evidence of homeless persons entering and leaving the porta potties and/or pictures of their creek adjacent property without signs of human fecal material. Persons' who hire security surveillance may need to provide a surveillance schedule and provide photo evidence of the condition of the property.~~

Another approach may include identifying activities that increase homeless population such as the draw of agricultural operations. Property owners may need to strategize with the agricultural industry and fellow property owners in order to strategize on approaches for preventing the entry of homeless persons onto property. With any approach the Water Board will require evidence that responsible parties attenuated the entry of human fecal material to surface waters.

3. Staff recommends the following changes to clarify the intent and implementation expectations for storm drain discharges. Additionally, staff received public comment from John Ricker via email on March 15, 2009, after the public comment period. Mr. Ricker also met with Water Board staff on February 2, 2009 to discuss the County of Santa Cruz's stormwater permit; at this meeting, Mr. Ricker requested the changes recommended below.

In Attachment 1 of the Staff Report, in the Implementation Program section, Storm Drain Discharges sub-section, staff is recommending the following changes.

The Central Coast Water Board will address fecal indicator bacteria (FIB), e.g., fecal coliform and/or other indicators of pathogens, discharged from the County of Santa Cruz's and City of Watsonville's municipal separate storm sewer system by regulating the County of Santa Cruz and City of Watsonville under the provisions of the State Water Resource Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) (NPDES No. CAS000004). The proposed enrollment date for the County of Santa Cruz and City of Watsonville under the General Permit as a small municipal separate storm sewer system (MS4) is March 2009. As enrollees, the County of Santa Cruz and City of Watsonville must develop and implement a Storm Water Management Plan (SWMP) that controls urban runoff discharges into and from its MS4. To address the County of Santa Cruz's and City of Watsonville's TMDL waste load allocation, the Central Coast Water Board will require the County of Santa Cruz and City of Watsonville to specifically target FIB in urban runoff through incorporation of a Wasteload Allocation Attainment ~~Plan~~ Program in its SWMP.

The Central Coast Water Board will require that the Wasteload Allocation Attainment ~~Plan~~ Programs describe the actions that will be taken by the County of Santa Cruz and City of Watsonville to attain the TMDL wasteload allocations, and specifically address:

1. Development of an implementation and assessment strategy;
2. Source identification and prioritization;

3. Best management practice identification, prioritization, implementation, analysis, and effectiveness assessment;
4. Monitoring program development and implementation;
5. Reporting; including evaluation whether current best management practices are progressing towards achieving the wasteload allocations by thirteen years after the TMDLs are approved by the Office of Administrative Law.
6. Coordination with stakeholders; and
7. Other pertinent factors.

The Wasteload Allocation Attainment ~~Plan~~ Program will be required by the Central Coast Water Board to address each of these TMDLs that occur within the County of Santa Cruz's and City of Watsonville's jurisdiction.

The Central Coast Water Board will require that the Wasteload Allocation Attainment ~~Plan~~ Program be submitted at one of the following milestones, whichever occurs first:

1. Within one year of approval of the TMDLs by the Office of Administrative Law;
2. When required by any other Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For an MS4 that is enrolled under the General Permit at the time of Wasteload Allocation Attainment ~~Plan~~ Program submittal, the Wasteload Allocation Attainment ~~Plan~~ Program must be incorporated into the SWMP when the Wasteload Allocation Attainment ~~Plan~~ Program is submitted. For an MS4 ~~entities~~ entity that is not enrolled under the General Permit at the time of the Wasteload Allocation Attainment ~~Plan~~ Program submittal, the Wasteload Allocation Attainment ~~Plan~~ Program must be incorporated into the SWMP when the SWMP is approved by the Central Coast Water Board.

4. Staff recommends the following changes to clarify the intent and implementation expectations for onsite wastewater system discharges. Additionally, staff received public comment from John Ricker via email on March 15, 2009, after the public comment period. Mr. Ricker requested that the language of the resolution (Attachment-1 of the Staff Report) be explicitly clear that compliance with the Human Waste Discharge Prohibition can be obtained through the Santa Cruz County Onsite Wastewater Management Program, which was adopted by the Regional Water Quality Control Board as Resolution 95-04.

In Attachment 1 of the Staff Report, in the Implementation Program section, Onsite Wastewater System Discharges sub-section, staff is recommending the following change:

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners of onsite wastewater systems (owners) in the area described above of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe owner's options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code 13267 and within six months of the notification by the Executive Officer, owners will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification

- by the County of Santa Cruz, e.g., through the Santa Cruz County Onsite Wastewater Management Plan, or similar, that the owners onsite wastewater system is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner requiring compliance, or
  - 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs).
  - 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information, e.g. by the County of Santa Cruz, acting as the voluntary agents of owners/operators of onsite wastewater systems. Note that an owner of an onsite wastewater system cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the County of Santa Cruz as their agent, or, 3) the Executive Officer or Water Board does not approve the evidence submitted by the County of Santa Cruz on behalf of the owners/operators of private laterals.

5. Staff recommends the following changes to clarify the intent and implementation expectations for private lateral discharges.

In Attachment 1 of the Staff Report, in the Implementation Program section, Private Sewer Laterals Connected to Municipal Sanitary Sewer Collection Systems sub-section, staff is recommending the following change:

The Central Coast Water Board requires immediate cessation of spills from private laterals. Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of private laterals to sanitary sewer collection systems (owners/operators of private laterals), in suspected problem areas, of this requirement and of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of private laterals options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of private laterals will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner/operator of private lateral is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz or City of Watsonville that owner/operator of private lateral is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human

- Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years (the exact timeframe at the discretion of the Executive Officer) from the date of the Executive Officer's notification to the owner/operator requiring compliance, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)) or,
  - 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by County of Santa Cruz or the City of Watsonville, acting as the voluntary agents of owners/operators of private laterals. Note that an owner/operator of a private lateral cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz or the City of Watsonville is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the County of Santa Cruz or the City of Watsonville as their agent, or, 3) the Executive Officer or Water Board does not approve the evidence submitted by the County of Santa Cruz or the City of Watsonville on behalf of the owners/operators of private laterals.